THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HONBLE DR.JUSTICE G.YETHIRAJULU

–

WRIT APPEAL NO. 2082 OF 2005.

DATED: 07-11-2005

Between

Indian Bank, rep. By Chairman and Managing

Director,Central Office,Chennai and 2 others

….Appellants

And

A.Kishore Kumar son of late A.V.Lakshmaiah

Setty, r/o House No.26-350/C, Upstair, Near

Chinna Market, Kurnool.

…Respondents

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JUDGMENT (Per Sri B.Prakash Rao, J)

Heard Mr.S.Satyanarayana Prasad, learned senior counsel appearing on behalf of the appellants and Mr.G.Vidyasagar, learned counsel appearing on behalf of the respondent.

The appellant, is the Management/respondents in the writ petition filed by the respondent herein, seeking to assail the order whereunder, the learned single Judge have taken into consideration the respective submissions and

ultimately directed for reconsideration of the case of the petitioner in the light of the scheme for compassionate appointment/cash compensation to the eligible dependents of the employees dying in harness/employees seeking premature retirement on medical grounds and pass appropriate orders within a period of three months from the date of receipt of a copy of that order.

The learned Senior counsel appearing on behalf of the appellants mainly submits that the employee died on
07-09-1995 and the application filed by the concerned was already rejected on 22-04-1996 which has remained unchallenged. Therefore, the question of granting any such direction in view of the relief as sought for in the writ petition does not arise. Further, it was pointed out that having regard to the certain posts granted under the very scheme itself where the returns which have been enjoyed by the dependents towards death benefits, that itself disentitle them to consider compassionate appointment.

Having considered the submissions made and on perusal of record, primarily it is to be noticed that ultimate direction was given for reconsideration of the case of the petitioner. No doubt, there is no direct challenge as such in the writ prayer in regard to the orders passed on 22-04-1996. However, the main complaint is that in spite of representation in pointing out their entitlement, the same has not been considered nor reasons given in the said impugned order, dated 22-04-1996 and therefore, they have to file a subsequent representation and the same was pending. Hence, they sought for reconsideration. But the learned single Judge having found that the impugned order admittedly being laconic and totally lacking reasons in support, directed for consideration. When such direction was given, the question of going into the merits of the claim or objections raised on behalf of the appellants at this juncture does not arise. However, it is always open for the appellants to consider the case of the petitioner more aptly in view of the scheme and dispose of the same in accordance with law uninfluenced by any of the observations made in this proceedings. In view of the same, we do not find any merits in this appeal.

Accordingly, the writ appeal is dismissed. No costs.

B.PRAKASH RAO, J

Dated: 07-11-2005.

G.YETHIRAJULU, J

Hsd